

10/17/2005 11:08 AM Alec Kotopoulos Volume II

VOL. II

PAGES 178-314

EXHIBITS 1-8

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-11522-WGY

STEVEN R. KINCAID

)

)

Plaintiff,

)

)

vs

)

)

BANK OF AMERICA

)

CORPORATION,

)

)

Defendant.

)

CONTINUED VIDEOTAPED DEPOSITION OF  
ALEC KOTOPOULOS, taken on behalf of the plaintiff,  
pursuant to the applicable provisions of the  
Massachusetts Rules of Civil Procedure, before  
Patricia L. Henneberry a Certified Shorthand  
Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at The Law Office  
of David J. Fine 3 Center Plaza, Boston,  
Massachusetts, on Monday, October 17, 2005  
commencing at 11:08 a.m.

10/17/2005 11:08 AM Alec Kotopoulos Volume II

APPEARANCES:

Law Office of David J. Fine, (by David J. Fine, Esq.), 3 Center Plaza, Suite 400, Boston, Massachusetts, 02108, for the plaintiff.

Edwards & Angell, LLP, (by Siobhan M. Sweeney, Esq.), 101 Federal Street, Boston, Massachusetts, 02110, for the defendant.

ALSO PRESENT: National Video Reporters, Inc., (Adam Cook, Legal Video Specialist), 58 Batterymarch Street, Suite 243, Boston, Massachusetts, 02110.

I N D E X

Deposition of:	Page
ALEC KOTOPOULOS	
Examination by Mr. Fine	182
Exhibits	Page
No. 1    Sheila Burroughs Job Bids	
Page/Summary Bates Nos. 672	
to 674	183
No. 2    Allison Hart Job Bids	
Page/Summary Bates Nos. 669	
to 671	189

**10/17/2005 11:08 AM Alec Kotopoulos Volume II**

I N D E X (Continued)

Exhibits	Page
No. 3 Letter dated August 20, 2002 To Alec Kotopoulos From Patrick Wright with attachments Bates Nos. 906 to 929	192
No. 4 Letter dated June 3, 2004 to Eric Montgomery from Vicki B. Rowan with attachments Bates Nos. 659 to 668	236
No. 5 E-mail dated November 6, 2002 to Vipin Mayar from Erik Fine with attachment Bates Nos. 903 to 905	255
No. 6 E-mail dated August 18, 2003 to Elizabeth Janak from Alec Kotopoulos Bates No. 116	277
No. 7 CAMR Turnover as of August 11, 2003 Bates No. 117	278
No. 8 Service Request Activity (All) consisting of five pages	284

10/17/2005 Alec Kotopoulos Volume II

1 Q. Give me an example of a particular client  
2 person who said something negative about Mr.  
3 Kincaid's performance?

4 A. Not directly to me. Talk to Ms. Burroughs  
5 because I'm sure it happened.

6 Q. Okay. But as you sit here today testifying  
7 under oath --

8 A. Yes.

9 Q. -- you can't come up with a single thing?

10 A. No. Because I let my managers manage.

11 Q. One of the documents I showed you was a  
12 document with regard to Allison Hart. It  
13 indicates Allison Hart initiated a request to  
14 leave the Customer Satisfaction Unit April 9,  
15 2003.

16 That happened to be just about the  
17 time that you and Ms. Burroughs were deciding to  
18 give a negative performance review to Mr. Kincaid;  
19 is that a coincidence?

20 A. No idea.

21 MR. FINE: That completes my  
22 questioning.

23 (Whereupon the videotaped deposition  
24 was concluded at 2:18 p.m.)

10/17/2005 Alec Kotopoulos Volume II

C E R T I F I C A T E

I, ALEC KOTOPOULOS, do hereby certify that I have read the foregoing transcript of my testimony and further certify under the pains and penalties of perjury that said transcript is a true and accurate record of said testimony.

Dated on this                      day of

, 2005.

ALEC KOTOPOULOS

SIGNED UNDER THE PAINS

AND PENALTIES OF PERJURY